

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

JAMES DICKERSON,)	
)	
Plaintiff,)	
)	Cause No.
vs.)	
)	Division No.
WHITE CASTLE SYSTEM INC,)	
)	
Serve:)	
Kristine Duran)	
12747 Olive, Suite 300)	
St. Louis MO, 63141)	
)	
Defendants.)	
)	<u>JURY TRIAL DEMANDED</u>

PETITION

COMES NOW, Plaintiff, James Dickerson, by and through undersigned counsel, and for his cause of action against Defendant, White Castle System Inc., states as follows:

COUNT I - NEGLIGENCE

1. Plaintiff James Dickerson (hereinafter "Plaintiff") is a resident of the Saint Louis City, State of Missouri.

2. Defendant White Castle System Inc. (hereinafter "Defendant White Castle") is a Delaware corporation with authority to sue and be sued in St. Louis City, Missouri.

3. This Court has jurisdiction over Defendant White Castle pursuant to § 506.500.1, RSMo., in that Defendant White Castle committed tortious acts within the State of Missouri.

4. The injuries sustained by Plaintiff occurred in the City of St. Louis in the State of Missouri, therefore venue is proper in the Circuit Court of Saint Louis City pursuant to §508.010.4, RSMo.

5. On or about November 18, 2017, Plaintiff was a business invitee of the White Castle Restaurant owned, operated, managed, maintained and controlled, both directly and indirectly, individually and through its agents, servants and employees by Defendant White Castle located at 3524 North Kingshighway Blvd, St. Louis, Missouri, 63115.

6. At all times relevant herein, Defendant White Castle acted by and through its agents, servants, and employees.

7. On information and belief, the White Castle located at 3524 North Kingshighway Blvd, St. Louis, Missouri, 63115 has experienced numerous assaults, fighting, disturbances, and other criminal activity leading up to November 18, 2017.

8. On November 18, 2017, Plaintiff attempted to make a purchase from Defendant White Castle.

9. On or about November 18, 2017, Plaintiff was lawfully on the premises of the White Castle Restaurant for the purpose of patronizing Defendant White Castle's establishment.

10. During the Plaintiff's attempt to order food from Defendant White Castle, the Plaintiff was approached by three unknown men.

11. One of the unknown men punched the Plaintiff in the face, which resulted in the Plaintiff losing consciousness.

12. On or about November 18, 2017, Plaintiff was assaulted by an unknown individual while on the Defendant's premises and sustained injuries as a direct result of Defendant's failure, acts, omissions, carelessness, and negligence.

13. At all times relevant herein, Defendant was in a special relationship with its customers, as invitees on the premises of White Castle, and as such owed an affirmative duty to its customers to exercise reasonable care to protect such customers, including the Plaintiff, from and against an unreasonable risk of physical harm including the foreseeable criminal and/or violent acts of third parties while on its premises.

14. That prior to November 18, 2017, Defendant knew or should have known that White Castle was located in a high crime area, criminal and/or violent acts resulting in physical harm had occurred and were likely to occur at White Castle based upon a history of criminal and/or violent activity at that location.

15. At said time and place, Defendant breached its duty by committing one or more of the following negligent and careless acts or omissions:

- (a) failed to provide adequate, or any, security or other necessary personnel to reasonably protect its customers against the criminal and/or violent acts of third parties while on its premises;
- (b) allowed persons to loiter and/or congregate on its property when it knew or should have known that such conduct promotes confrontation and violence;
- (c) failed to take reasonable, or any, action to protect its customers against an unreasonable risk of physical harm while on its premises; and/or

(d) otherwise acted or failed to act in a manner to be established by the evidence in this matter.

16. As a direct and proximate result of one or more of the foregoing negligent and careless acts or omissions on the part of Defendant, Plaintiff sustained injuries to his head, eye, and mouth; he has suffered physical and mental anguish and will continue to suffer physical and mental pain in the future; he has expended and will be compelled to expend in the future large sums of money for medical treatment, and other treatment for said injuries and conditions; he has lost, and will in the future, lose wages from his usual, gainful employment and/or has been damaged in his future earning capacity; and he has sustained a loss of enjoyment of life.

WHEREFORE, Plaintiff prays that this Court hereby enter a judgment against Defendant in favor of Plaintiff for the reasons stated herein by:

A. Making findings of fact and conclusions of law consistent with the allegations contained herein;

B. Awarding Plaintiff monetary damages in a sum exceeding the jurisdictionally required minimum amount that will fairly and justly compensate Plaintiff for these damages sustained and that Plaintiff is reasonably certain to sustain in the future as a direct and proximate result of the occurrence described herein, including damages for any aggravating circumstances, together with Plaintiff's costs expended herein; and

C. Granting any such other and further relief as the Court deems just and proper under the circumstances.

Respectfully Submitted,

THE HESTER GROUP, L.L.C.

/s/ **Lorenzo A. Hester**

Mr. Lorenzo A. Hester, Mo Bar #56211

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